

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Robert G. Taub, Chairman;  
Michael Kubayanda, Vice Chairman;  
Mark Acton;  
Ann C. Fisher; and  
Ashley E. Poling

Statutory Review of the System  
for Regulating Rates and Classes  
for Market Dominant Products

Docket No. RM2017-3

ORDER DENYING JOINT MOTION TO HOLD PROCEEDING IN ABEYANCE

(Issued April 2, 2020)

On March 23, 2020, nineteen organizations filed a joint motion to hold this proceeding in abeyance, requesting that the Commission refrain from issuing a final order until the declared national emergency concerning the novel coronavirus disease (COVID-19) has been rescinded.<sup>1</sup> The Joint Parties state that industry resources are

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<sup>1</sup> Joint Motion to Hold Proceeding in Abeyance, March 23, 2020 (Joint Motion). The nineteen organizations include: the Association for Postal Commerce, the Alliance of Nonprofit Mailers, MPA – The Association of Magazine Media, the American Catalog Mailers Association, The Direct Marketing Association of Washington, The Nonprofit Alliance, the Envelope Manufacturers Association, the Saturation Mailers Coalition, the Continuity Shippers Association, The Association of Free Community Publications, Independent Free Papers of America, Florida Media Association, Midwest Association of Free Community Papers, Southeastern Advertising Publishers Association, Free Community Papers of New York, Community Papers of New England, Pacific Northwest Association of Want Ad Papers, Wisconsin Community Papers, and Mid-Atlantic Community Papers Association (collectively, Joint Parties).

currently fully devoted to managing the COVID-19 emergency and its impacts, and the industry cannot put further resources toward this docket at this time. Joint Motion at 3. The Joint Parties are concerned that they could be required to respond to further procedural motions, to provide comment should the Commission issue a revised proposed rule, or face a statutory deadline for appeal if the Commission issues a final order. *Id.* In addition, the Joint Parties assert that the emergency is creating substantive issues that cannot be adequately addressed by the current record in this proceeding. *Id.* at 4.

The Postal Service filed an opposition to the Joint Motion on March 30, 2020.<sup>2</sup> The Postal Service states that the current situation does not justify a delay. Opposition at 1. Rather, the Postal Service asserts that it highlights the urgent need to conclude this proceeding and fix the ratemaking system. *Id.* The Postal Service notes that there is no need for any stakeholder to devote resources to this proceeding because no comment deadlines are pending. *Id.* at 1-2. The Postal Service also explains that 39 U.S.C. § 3622(d)(3) permits the Commission to conduct a new review of the system if the Commission adopts a final rule and subsequent circumstances reveal inadequacies in the new system. *Id.* at 3.

Four additional organizations submitted comments in support of the Joint Motion.<sup>3</sup> Although they support holding this proceeding in abeyance, the First-Class Business Mailers state that this proceeding should resume only once sufficient time has passed to understand the effect of the emergency on the economy. Comments at 2. Additionally, the First-Class Business Mailers request that the Commission take official notice of H.R. 748 (the CARES Act) and that the Commission issue an information

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<sup>2</sup> Opposition of the United States Postal Service to Joint Motion to Hold Proceeding in Abeyance, March 30, 2020 (Opposition).

<sup>3</sup> Comments on Joint Motion to Hold Proceeding in Abeyance, and Request for Official Notice, Request for Issuance of Information Request, and Suggestion of Further Steps, March 30, 2020 (Comments). The four additional organizations include: National Postal Policy Council, the Major Mailers Association, the National Association of Presort Mailers, and the Association for Mail Electronic Enhancement (collectively, First-Class Business Mailers).

request for an update on mail volumes.<sup>4</sup> The First-Class Business Mailers also recommend the Commission, the Postal Service, mailers, and unions use this opportunity to develop ideas about how the Postal Service could use its pricing flexibility to address post-pandemic impacts. *Id.* at 5.

The Commission acknowledges the concerns regarding the impact of the COVID-19 pandemic on the Postal Service and the mailing industry. In fact, in response to a recent request from some of the same parties to this pending Motion for immediate action by the Postal Service and the Commission, the Commission responded that it “stands ready to act as expeditiously as possible to efficiently and effectively review any proposals [from the Postal Service] in conformance with existing law.”<sup>5</sup>

However, because there are no pending deadlines, the Commission finds it unnecessary to hold this proceeding in abeyance at this time. The Commission is currently considering the comments on its revised proposal and evaluating the next steps in this proceeding.<sup>6</sup> Should any substantive issues develop that would affect the Commission’s evaluation of the revised proposal, the Commission will address those issues at that time.

In addition, the Commission declines to take official notice of the CARES Act and declines to issue any information requests. If the Commission later determines that expanding the record is necessary to aid in its review, it will consider requesting such information at that time.

Accordingly, the Motion is denied.

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<sup>4</sup> *Id.* at 3-4. See Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136 (2020).

<sup>5</sup> Postal Regulatory Commission, Letter to Michael Plunkett, March 31, 2020.

<sup>6</sup> See Revised Notice of Proposed Rulemaking, December 5, 2019 (Order No. 5337).

*It is ordered:*

The Joint Motion to Hold Proceeding in Abeyance, filed March 23, 2020, is denied.

By the Commission.

Erica A. Barker  
Secretary